

## **REMARKS**

### **I. Amendments**

Claims 2, 24, 36 and 38 have been cancelled and claim 39 has been amended. This amendment adds no new matter to the specification.

No amendment of inventorship is necessitated by these amendments.

### **II. Acknowledgement of Allowable Claims 1, 3-23, 25 and 37**

Applicants hereby acknowledge the Examiner's indication of the allowability of claims 1, 3-23, 25 and 37.

### **III. Discussion of the Rejection of Claims 2 and 24 under 35 U.S.C. Sec. 112, First Paragraph**

Claims 2 and 24 have been rejected under 35 U.S.C. Sec. 112, first paragraph as allegedly lacking enablement. Applicants respectfully traverse the rejection.

By this amendment, claims 2 and 24 have been cancelled, thereby rendering the rejection moot.

Therefore Applicants respectfully request withdrawal of the 35 U.S.C. Sec. 112, first paragraph rejection of claims 2 and 24.

### **IV. Discussion of the Rejection of Claims 26, 36 and 38 under 35 U.S.C. Sec. 112, First Paragraph**

Claims 26, 36 and 38 have been rejected under 35 U.S.C. Sec. 112, first paragraph as allegedly lacking enablement. Applicants respectfully traverse the rejection.

By this amendment, claims 36 and 38 have been cancelled, thereby rendering the rejection as to those claims moot.

As to claim 26, Applicants are still unclear as to why the claim is currently under rejection. The Examiner discusses the reason for the rejection of claim 26 on page 4, wherein it is stated that the rejection “of claims 26 and 36 is to the enablement of the compounds for antagonizing the CC chemokine receptor”. Yet claim 26 is a composition claim, which does not recite “antagonizing the CC chemokine receptor”. Therefore Applicants do not believe that claim 26 lacks enablement.

Therefore Applicants respectfully request withdrawal of the 35 U.S.C. Sec. 112, first paragraph rejection of claims 26, 36 and 38.

#### **V. Discussion of the Rejection of Claims 36 and 38 under 35 U.S.C. Sec. 112, Second Paragraph**

Claims 36 and 38 have been rejected under 35 U.S.C. Sec. 112, second paragraph as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants respectfully traverse the rejection.

By this amendment, claims 36 and 38 have been cancelled, thereby rendering the rejection moot.

Therefore Applicants respectfully request withdrawal of the 35 U.S.C. Sec. 112, second paragraph rejection.

#### **VI. Discussion of the Rejection of Claims 35 and 39 under 35 U.S.C. Sec. 112, Second Paragraph**

Claim 35 and 39 have been rejected under 35 U.S.C. Sec. 112, second paragraph as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants respectfully traverse the rejection.

The Examiner has objected to the phrase “infectious diseases of HIV”, indicating that she does not know what is meant by the phrase. Applicants assert that those skilled in the art would understand the meaning of the phrase. Page 74, lines 14-16 discuss an example of infectious diseases of HIV. Additionally, the phrase appears in the claims of other U.S. patents such as claims 16 and 24 of U.S. Patent No. 6,440,946 and claim 20 of U.S. Patent No. 6,096,780. The

fact that the phrase can be found in issued patents is indicative of the fact that those skilled in the art understand the phrase.

Claim 35 has also been rejected as allegedly lacking clarity in the recitation of protease inhibitors and reverse transcriptase inhibitors. The Examiner has stated that "it is not known what protease inhibitor or reverse transcriptase inhibitor". Applicants disagree, as the specification discloses protease inhibitors and reverse transcriptase inhibitors on page 73, line 11 – page 74, line 2 *inter alia*. Those skilled in the art can understand claim 35 given the teachings of the specification.

Therefore Applicants respectfully request withdrawal of the 35 U.S.C. Sec. 112, second paragraph rejection.


## VII. Conclusion

Reconsideration of the claims and allowance is requested. Should the Examiner believe that a conference with Applicants' attorney would advance prosecution of this application, the Examiner is respectfully requested to call Applicants' attorney at (847) 383-3391.

Respectfully submitted,

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(847) 383-3391  
(847) 383-3372

  
Elaine M. Ramesh, Ph.D., Reg. No. 43,032  
Mark Chao, Ph.D., Reg. No. 37,293  
Attorney for Applicants  
Customer No. 23115

Takeda Pharmaceuticals North America, Inc.  
Intellectual Property Department  
Suite 500, 475 Half Day Road  
Lincolnshire, IL 60069 USA



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